

EXHIBIT 1

Byron F. Browne (030499)
BROWNE LAW GROUP
 366 North Gilbert Rd, Suite 201
 Gilbert, Arizona 85234
 Phone/Fax: (480) 771-2442
byron@antilawyer.com
legal@antilawyer.com
Attorney for Plaintiff

IN THE SUPERIOR COURT FOR THE STATE OF
IN AND FOR THE COUNTY OF MARICOPA

CODY CIESIELSKI

Plaintiff,

vs.

PERRY SCHMOEKEL, individually; and THE
 CHURCH OF JESUS CHRIST OF LATTER-
 DAY SAINTS; a Utah corporation sole; DOES I-
 X, BLACK CORPORATIONS I-X AND
 WHITE PARTNERSHIPS I-X

Defendant.

Case No.: **CV2022-092832**

COMPLAINT

(Tort/Motor Vehicle)

(Tier 2)

Plaintiff, Cody Ciesielski, by and through counsel undersigned, for his Complaint
 hereby alleges as follows:

JURISDICTIONAL ALLEGATIONS

1. The damages sought in this matter are within the original jurisdiction of this court.
2. The events that form the basis for this complaint occurred within Maricopa County, Arizona and venue in this court is proper pursuant to A.R.S. § 12-401.

1 3. Plaintiff is a resident of Maricopa County, Arizona

2 4. Upon information and belief, Defendant PERRY SCHMOEKEKEL is a resident
3 of the State of Arizona, was domiciled as such as of the date of the incident and giving rise
4 to this lawsuit.

5 5. Upon information and belief Defendant PERRY SCHMOEKEKEL is a single
6 individual and a resident of the State of Arizona who was domiciled as such as of the date
7 of the incident giving rise to this lawsuit.

8 6. Upon information and belief Defendant THE CHURCH OF JESUS CHRIST
9 OF LATTER-DAY SAINTS is a Utah corporation sole.

10 7. Defendants designated herein as DOES I-X, BLACK CORPORATIONS I-X,
11 and WHITE LIMITED PARTNERSHIPS I-X, inclusive, are unknown to Plaintiff at this
12 present time; however, it is alleged and believed these Defendants were involved the
13 initiation, approval, support, or execution of the wrongful acts on which this action is
14 premised, or of similar actions directed against Plaintiff about which they are presently
15 unaware. As the specific identities of these parties are revealed through the course of
16 discovery, the DOES, BLACK, and WHITE will be replaced to identify these parties by their
17 true names and capacities.

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22 **GENERAL ALLEGATIONS**

23 8. Plaintiff re-alleges and incorporates herein by this reference Paragraphs 1
24 through 7 of his Complaint as though expressly set forth herein.

1 9. On or about March 6, 2021, Plaintiff was traveling eastbound on University
2 Drive in Mesa, Maricopa County, Arizona.

3 10. At the same date and time, Defendant SCHMOEKEKEL was driving a white
4 pickup truck. Defendant attempted to make a left-hand turn across all oncoming eastbound
5 traffic on University Drive when he collided with Plaintiff.
6

7 11. Plaintiff has suffered permanent injuries, loss of enjoyment of life, suffered
8 loss of past and future household services, expenses for medical care and treatment, and
9 incurred expenses incidental thereto.
10

11 **COUNT I – NEGLIGENCE**
12 **(ALL DEFENDANTS)**

13 12. Plaintiff re-alleges and incorporates herein by this reference Paragraphs 1
14 through 11 of his Complaint as though expressly set forth herein.

15 13. Defendant SCHMOEKEKEL owed a duty of care to Plaintiff to operate his
16 vehicle in a reasonable and prudent manner to avoid collision with Plaintiff.

17 14. Defendant SCHMOEKEKEL breached the duty of care to Plaintiff, causing the
18 collision and causing bodily injury to Plaintiff by failing to exercise due care in the operation
19 of his vehicle.
20

21 15. As a result of the collision caused by Defendant's negligence, Plaintiff suffered
22 pain and suffering, inconvenience, curtailment of his usual activities, loss of enjoyment of
23 life, great pain of body and mind, inconvenience, loss of enjoyment, and pain and suffering
24 in the future.
25
26



1 16. As a result of the collision caused by Defendant's negligence, Plaintiff
2 incurred expenses for medical treatment and expenses for related treatment and care as a
3 result of injuries sustained in this collision, and he will continue to incur such expenses in
4 the future.

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6 **COUNT II – NEGLIGENCE PER SE**
7 **(ALL DEFENDANTS)**

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9 17. Plaintiff re-alleges and incorporates herein by this reference Paragraphs 1
10 through 16 of his Complaint as though expressly set forth herein.

11 18. Defendant owed a duty of care to Plaintiff, along with other motorists on the
12 roadway, to operate his vehicle in a reasonable and safe manner, in accordance with, and
13 respecting of Arizona's traffic laws, and that did not create hazard for motorists on the
14 roadway.
15

16 19. Defendant's breach of that duty of care constitutes violation A.R.S. §28-701
17 (reasonable & prudent speed).

18 20. These violations were the direct and proximate cause of Plaintiff's injuries
19 and damages.
20

21 **WHEREFORE**, Plaintiff pays for Judgment against Defendant as follows:

- 22 a) For general damages, in an amount to be proven at trial of this matter.
23 b) For special damages, in an amount to be proven at trial of this matter.
24 c) For reasonable attorney's fees and costs; and interest at the statutory rate;
25 and
26

d) For such other and further relief as this Court deems proper.

RESPECTFULLY SUBMITTED this 27th day of June, 2022

BROWNE LAW GROUP

By: 

Byron F. Browne (030499)

366 North Gilbert Rd, Suite 201

Gilbert, Arizona 85234

Attorney for Plaintiff

BROWNE LAW GROUP
PERSONAL INJURY ATTORNEYS



Byron F. Browne (030499)
BROWNE LAW GROUP
366 North Gilbert Rd, Suite 202
Gilbert, Arizona 85234
Phone/Fax: (480) 771-2442
E-mail: byron@brownelawgroup.com

IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

CODY CIESIELSKI, individually

Case No.: CV2022-092832

Plaintiff,

**ACCEPTANCE OF SERVICE ON
BEHALF OF DEFENDANTS**

vs.

Assigned to Honorable Peter Thompson

PERRY SCHMOEKEL, individually and THE
CHURCH OF JESUS CHRIST OF LATTER-DAY
SAINTS, a Utah corporation sole; DOES I-V.

Defendants.

My name is MARK D. ZUKOWSKI.

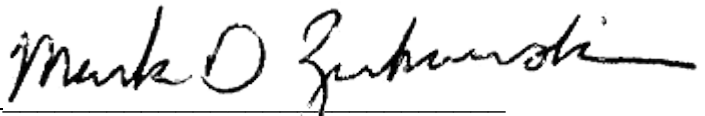
1. I have been retained by the Defendants PERRY SCHMOEKEL, individually and THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS; a Utah corporation sole, to represent the Defendants in the above-entitled action and I am authorized to accept service of process in this matter.
2. On behalf of PERRY SCHMOEKEL, individually and THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS; a Utah corporation sole, I hereby accept service of process on PERRY SCHMOEKEL and THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS; a Utah corporation sole, in this action.
3. I also hereby acknowledge receipt of the Summons and a copy of the Complaint, upon this



1 date, as though the same had been served upon Defendants PERRY SCHMOEKEL and
2 THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS; a Utah corporation
3 sole, by the Sheriff or other person duly appointed or authorized by law to serve process.

4 **RESPECTFULLY SUBMITTED** this 14th day of July 2022

6 Jones, Skelton & Hochuli, P.L.C.

7
8 By: 

9 **MARK D. ZUKOWSKI**

10 40 North Central Avenue

11 Suite # 2700

12 Phoenix, Arizona 85004

13 (602) 263-1759

14 *Attorney for Defendants*

